

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket: EINAT1.1D

In re Application of:	)	Conf. No.: 1554
	)	
Paz EINAT et al	)	Art Unit: 1635
	)	
Appln. No.: 10/091,333	)	Examiner: B. A. Whiteman
	)	
Filed: March 6, 2002	)	Washington, D.C.
	)	
For: HYPOXIA-REGULATED GENES	)	June 26, 2007
	)	
	)	

**REQUEST FOR CORRECTION OF INVENTORSHIP**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop Amendments  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Pursuant to 37 CFR 1.48(a), applicant hereby requests that the inventorship be corrected for this application to add Sylvie LURIA as a co-inventor with previously named inventors Paz EINAT and Rami SKALITAR.

Attached hereto is a Statement under 37 CFR 1.48(a)(2), signed by Sylvie Luria, stating that the inventorship error that occurred by failure to include her as a co-inventor on the present application occurred without any deceptive intention on her part.

Appln. No. 10/091,333  
Amdt. dated June 26, 2007  
Reply to Office action of November 14, 2006

Also attached hereto is a declaration by all of the actual inventors as required by 37 CFR 1.63 and 37 CFR 1.48(a)(3).

A charge authorization is submitted herewith for the payment of the fee in accordance with 37 CFR 1.17(i), as required by 37 CFR 1.48(a)(4).

Finally, attached hereto is a written consent of the assignee, as required by 37 CFR 1.48(a)(5).

As all of the requirements of 37 CFR 1.48(a) have been met, granting of this request and correcting the inventorship for this application is respectfully urged. Attached hereto is an amended Application Data Sheet showing the correct inventive entity.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By /rlb/  
Roger L. Browdy  
Registration No. 25,618

RLB:jmd  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\Q\QBI\Einat1.1D\Pto\2007-06-26RequestCorrectionInventorship.doc

## Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HYPOXIA-REGULATED GENES

the specification of which (check one)

- ☐ is attached hereto;  
☒ was filed in the United States under 35 U.S.C. §111 on March 6, 2002, as U.S. Appln. No. 10/091,333\*; or  
☐ was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international (PCT) application, PCT/\_\_\_\_\_; filed \_\_\_\_\_, entry requested on \_\_\_\_\_\*; national stage application received U.S. Appln. No. \_\_\_\_\_\*; §371/§102(e) date \_\_\_\_\_\* (\* if known)

and was amended on \_\_\_\_\_ (if applicable).  
*(include dates of amendments under PCT Art. 19 and 34 if PCT)*

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
60/056,453	08/21/1997

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
09/604,978	06/28/2000	Patented
09/138,112	08/21/1998	Abandoned

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**All of the practitioners associated with Customer Number 001444**

Direct all correspondence to the address associated with **Customer Number 001444**, which is presently:

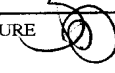


**BROWDY AND NEIMARK, P.L.L.C.**  
**624 Ninth Street, N.W.**  
**Washington, D.C. 20001-5303**  
**(202) 628-5197**

Title HYPOXIA-REGULATED GENESU.S. Application filed March 6, 2002, Serial No. 10/091,333

PCT Application filed \_\_\_\_\_, Serial No. \_\_\_\_\_

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from QBI Enterprises Ltd. as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR <b>Paz EINAT</b>	INVENTOR'S SIGNATURE 	DATE <b>4 June 2007</b>
RESIDENCE <b>Nes Ziona, Israel</b>	CITIZENSHIP <b>Israel</b>	
POST OFFICE ADDRESS <b>Nes Ziona, 1/27 Nave Nir, Israel 74042</b>		
FULL NAME OF SECOND JOINT INVENTOR <b>Rami SKALITER</b>	INVENTOR'S SIGNATURE 	DATE <b>31 May 2007</b>
RESIDENCE <b>Nes Ziona, Israel</b>	CITIZENSHIP <b>Israel</b>	
POST OFFICE ADDRESS <b>Nes Ziona, 117/11 Habanim Street, Israel 74037</b>		
FULL NAME OF THIRD JOINT INVENTOR <b>Sylvie LAURIA</b>	INVENTOR'S SIGNATURE 	DATE <b>29.05.07</b>
RESIDENCE <b>Nes Ziona, Israel</b>	CITIZENSHIP <b>Israel</b>	
POST OFFICE ADDRESS <b>Nes Ziona, Habanim Street 113/7, Israel 74037</b>		
FULL NAME OF FOURTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF FIFTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SIXTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

ALL INVENTORS MUST REVIEW APPLICATION AND DECLARATION BEFORE SIGNING. ALL ALTERATIONS MUST BE INITIALED AND DATED BY ALL INVENTORS PRIOR TO EXECUTION. NO ALTERATIONS CAN BE MADE AFTER THE DECLARATION IS SIGNED. ALL PAGES OF DECLARATION MUST BE SEEN BY ALL INVENTORS.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EINAT1.1D

In re Application of:	)	Conf. No.: 1554
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Paz EINAT et al	)	Art Unit: 1635
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Appln. No.: 10/091,333	)	Examiner: B. A. Whiteman
	)	
Filed: March 6, 2002	)	Washington, D.C.
	)	
For: HYPOXIA-REGULATED GENES	)	

STATEMENT UNDER 37 C.F.R. §1.48(a) (2)

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop Amendments  
401 Dulany Street  
Alexandria, VA 22314

Sir:

I, the undersigned Sylvie Luria, hereby state that:

The inventorship error that occurred by failure to include me as a co-inventor on the above identified application occurred without any deceptive intention on my part.

29.05.07

(Date)

S. Luria

Sylvie Luria

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: EINAT1.1D

In re Application of:	)	Conf. No.: 1554
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Paz EINAT et al	)	Art Unit: 1635
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Appln. No.: 10/091,333	)	Examiner: B. A. Whiteman
	)	
Filed: March 6, 2002	)	Washington, D.C.
	)	
For: HYPOXIA-REGULATED GENES	)	

CONSENT OF ASSIGNEE UNDER 37 C.F.R. §1.48(a) (5)

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop Amendments  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Quark Biotech, Inc., a corporation having a principal place of business at Freemont, CA. (hereinafter "Quark") hereby certifies that it has rights in the above-identified application by virtue of an assignment from the originally-named inventors, Paz Einat and Rami Skaliter, recorded December 31, 2002, at reel 013618 and frame 0541. The undersigned (whose title is supplied below) is empowered to sign this document on behalf of the assignee.

Quark agrees to the change of inventorship to add Sylvie Luria as co-inventor along with the presently named Paz Einat and

In re of U.S. Appln. No. 10/091,333

Rami Skaliter with respect to the above-identified application.

Respectfully submitted,

QUARK BIOTECH, INC.

By

Judith Abrahams  
(Signature)

Date: 31 May 2007

Judith Abrahams Ph.D.  
(Typed Name)

Vice President IP  
(Office)

## **Supplemental Application Data Sheet**

### **Application Information**

Application Number:: 10/091,333  
Filing Date:: March 6, 2002

### **Application Information**

Application Type:: Regular  
Subject Matter:: Utility  
Suggested Classification::  
Suggested Group Art Unit::  
CD-ROM or CD-R?: None  
Number of CD Disks::  
Number of Copies of CDs::  
Sequence Submission?: YES  
Computer Readable Form (CRF)?:: Yes  
Number of copies of CRF::  
Title:: HYPOXIA-REGULATED GENES  
Attorney Docket Number:: EINAT1.1D  
Request for Early Publication?: No  
Request for Non-Publication?: No  
Suggested Drawing Figure::  
Total Drawing Sheets:: 13  
Small Entity?: No  
Latin Name::  
Variety Denomination Name::  
Petition Included:: No  
Petition Type::  
Licensed US Govt. Agency::  
Contract or Grant Numbers::  
Secrecy Order in Parent Appl.?: No  
Applicant Information  
Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Israel  
Status:: Full Capacity



Given Name::	Paz
Middle Name::	
Family Name::	EINAT
Name Suffix::	
City of Residence::	Nes Ziona
State or Province of Residence::	
Country of Residence::	Israel
Street of Mailing Address::	<u>1/27 Nave Nir</u> <del>1 Nave Nir, Apt. 27</del>
City of Mailing Address::	Nes Ziona
State or Province of Mailing Address::	
Country of Mailing Address::	Israel
Postal or Zip Code of Mailing Address::	<u>7404274402</u>
Applicant Authority Type::	Inventor
Primary Citizenship Country::	Israel
Status::	Full Capacity
Given Name::	Rami
Middle Name::	
Family Name::	SKALITER
Name Suffix::	
City of Residence::	Nes Ziona
State or Province of Residence::	
Country of Residence::	Israel
Street of Mailing Address::	<u>117/11 Habanim Street</u> <del>117 Habanim Street, Apt. 10</del>
City of Mailing Address::	Nes Ziona
State or Province of Mailing Address::	
Country of Mailing Address::	Israel
Postal or Zip Code of Mailing Address::	74037
Applicant Authority Type::	Inventor
Primary Citizenship Country::	Israel
Status::	Full Capacity
Given Name::	<u>Sylvie</u>
Middle Name::	

Family Name::	<u>LAURIA</u>		
Name Suffix::			
City of Residence::	<u>Nes Ziona</u>		
State or Province of Residence::			
Country of Residence::	<u>Israel</u>		
Street of Mailing Address::	<u>Habanim Street 113/7</u>		
City of Mailing Address::	<u>Nes Ziona</u>		
State or Province of Mailing Address::			
Country of Mailing Address::	<u>Israel</u>		
Postal or Zip Code of Mailing Address::	<u>74037</u>		
Correspondence Information			
Correspondence Customer Number::	001444		
Representative Information			
Representative Customer Number::	001444		
Domestic Priority Information			
Application::	Continuity Type::	Parent	Parent Filing
		Application::	Date::
This Application	Continuation-in-Part of	09/604,978	06-28-2000
This Application	Division of	09/138,112	08-21-1998
This Application	Claiming Benefit of	60/056,453	08-21-1997

### Foreign Priority Information

Country::	Application Number::	Filing Date::	Priority Claimed::
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### Assignment Information

Assignee Name::	Quark Biotech, Inc.
Street of Mailing Address::	<u>6501 Dumbarton Circle</u> <del>1059 Serpentine</del> <u>Lane</u>
City of Mailing Address::	<u>Fremont</u> <del>Pleasanton</del>
State or Province of Mailing Address::	CA
Country of Mailing Address::	U.S.A.
Postal or Zip Code of Mailing Address::	<u>94555</u> <del>94566</del>